

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROLLAND L. TOCKEY,

Plaintiff,

vs.

DIRECTOR OF DEPARTMENT OF
CORRECTIONS, et al,

Defendants.

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4:05cv3108

MEMORANDUM AND ORDER

This matter is before the court pursuant to NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution." The plaintiff, Rolland L. Tockey, has not responded to a Memorandum and Order (filing no. 39) directing the plaintiff to report whether he intends to proceed with this case and warning the plaintiff that absent such a report, this case would be deemed abandoned and would be dismissed, without prejudice, for failure to prosecute.

The plaintiff has not responded. Therefore, pursuant to NECivR 41.1, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

DATED this 24th day of May, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge